

REMARKS/ARGUMENTS

Status

This is a Reply to the Final Office Action mailed January 2, 2009, in which the following rejections were set forth: Claims 1-3, 5-9, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,589,348, issued to Ott, ("*Ott*") in view of U.S. Published Patent Application No. 20050173018 of Herre et al. ("*Herre*") and further in view of U.S. Patent No. 5,289,947, issued to Akeel, ("*Akeel*").

By this response, no Claims have been amended, added, or cancelled. As such, Claims 1-12 are pending in this application.

Claim Rejections

In Paragraph 1 of the "Response to Arguments," the Examiner contends that Applicant argued that *Ott* fails to disclose a passage of the first pig station which extends between a connection to the paint supply source and a connection to the pig line and a passage of the second pig station which extends between a connection to the pig line and a connection to the paint application device. Applicant however is not aware of where such an argument was set forth and responds that such an argument was not presented.

In Paragraph 3 of the "Response to Arguments," the Examiner recapitulates Applicant's understanding that *Herre* fails to disclose:

- (A) a given paint volume in each case being conveyed between two pigs;
- (B) a passage of the first pig station extending between a connection to the paint supply source and a connection to the pig line and a passage of the second pig station extending between a connection to the pig line and a connection to the paint application device; and,
- (C) the residual paint remaining between the two pigs when the painting process has been completed is disposed via the second pig station.

The Examiner contends that Applicant's position is not persuasive because *Ott* discloses (A) and (B) and *Akeel* discloses (C). Applicant is therefore unclear as to whether the Examiner concurs with Applicant's understanding of *Herre* since the Examiner does not contend that *Herre* discloses any of limitations (A), (B), and (C). As such, it appears that the Examiner is in agreement with Applicant's view in this regard.

In this most recent Office Action, Claim 1 is now considered as being unpatentable over *Ott* in view of *Herre* and further in view of *Akeel*. Applicant respectfully disagrees and contends

that the subject matter of Claim 1 is based on an inventive step for at least the following reasons set forth below.

With respect to *Ott* and *Herre*, Applicant iterates its remarks in its Office Action Response mailed October 7, 2008.

In the previous Office Action mailed July 18, 2008, the Examiner held that *Akeel* teaches a method of disposing excess paint at (not via) the discharge station (see item 3 of the Office Action mailed July 18, 2008). In Paragraph 3 of the “Claim Rejections – 35 USC § 103” of the Office Action mailed January 2, 2009 however, it is now simply asserted that *Akeel* teaches a method of disposing excess paint via the discharge station. However, merely changing the language of the recapitulation of the content of *Akeel*, the element in question is not nearly disclosed or suggested by *Akeel*.

Akeel does not describe a pig station as indicated in Applicant’s Claim 1. That is, a pig station according to the present invention is capable of temporarily storing the pigs in such a manner that the pigs can be used more than one time without removing the pigs from the pig line. During the regular operation of the application system, no pig needs to be removed from the pig line and the same two pigs are used to convey the paint in the one direction and the cleaning agent in the other direction, wherein the same two pigs are moved to and from. This is only possible due to the storing capability of the pig stations according to the present invention.

In contrast, *Akeel* only discloses a pig injector assembly 200 and a pig ejector assembly 212 that are not capable of temporarily storing a pig within the pig line. And even if the injector assembly 200 comprises a storage area indicated at 205, it is not adapted to store a particular pig in such a manner that this pig can be used more than one time without removing the pig from the pig line.

As such, a person having ordinary skill in the art looking for a solution of the problem to advantageously dispose residual paint remaining between two pigs which are to be used more than one time in a to-and-fro movement would not find a suggestion to Applicant’s claimed solution within *Akeel*. That is, *Akeel* utilizes a pig technique that is completely different from that of Applicant’s claimed method, and a person having ordinary skill in the art would therefore not have a motive to rely on or even consider *Akeel*. And even if such person would have studied *Akeel*, no suggestion can be found therein to dispose residual paint via the second pig station. See Paragraph 4 of the “Response to Arguments,” wherein the Examiner again states

that the dump valve 142 is located at the ejector assemble 212—which is consistent with the fact that the dump valve 142 of *Akeel* is not comprised by the ejector assembly 212.

In sum, taking *Akeel* as a starting point, a person having ordinary skill in the art firstly would have had to intelligently replace the injector assembly 200 and the ejector assembly 212 of *Akeel* by a first and a second pig station, respectively, according to the present invention. *Akeel* however utilizes only one pig for conveying the paint. Thus, a person having ordinary skill in the art would therefore have had to replace the one pig method of *Akeel* by the two pig method according to Applicant's claimed invention. Moreover, a person having ordinary skill in the art would have had to been motivated to attain the novel idea to integrate the separate dump valve 142 of *Akeel* to the second pig station according to the Applicant's claimed invention. There however is no suggestion within the relied upon prior art to motivate a person having ordinary skill in the art to do so because *Akeel* clearly provides the separate dump valve 142 as an appropriate component to dispose residual paint without involving the ejector assembly 212 to the disposal process. Thus, there is no suggestion or motivation to one having ordinary skill in the art to utilize *Akeel* in combination with *Ott* and *Herre*.

For at least the above reasoning, Applicant contends that the combination of *Ott*, *Herre* and *Akeel* fails to suggest the subject matter of Applicant's Claim 1 to a person having ordinary skill in the art. In particular, there is no motivation or suggestion for a person having ordinary skill in the art to deviate from *Akeel* and to dispose residual paint via the second pig station.

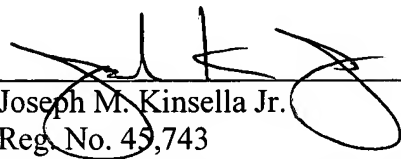
Because the relied upon cited prior art, alone or in combination, fails to disclose, teach, or suggest each and every element of Applicant's Claim 1—as well as Claims 2-12 which are ultimately dependent thereon—Applicant respectfully submits all pending claims are in condition for allowance and requests the rejections to all pending claims be withdrawn.

CONCLUSION

Base upon the above remarks, Applicant respectfully requests that all rejections be removed and all pending claims be passed to issuance. Applicant believes that no fees are required with this communication, however if any additional fees are required, Applicant authorizes the Commissioner to deduct such fees from Deposit Account No. 50-0545.

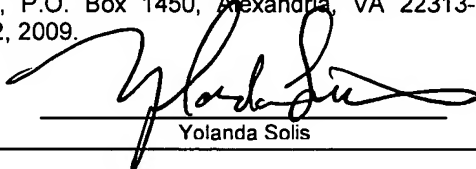
Respectfully Submitted,

Dated: March 2, 2009


Joseph M. Kinsella Jr.
Reg. No. 45,743
One of the Attorneys for the Applicants
(312) 226-1818

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Yolanda Solis